

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
TYRELL LEWIS,
Defendant.

Case No.: 14-CR-0369-W

**ORDER DENYING MOTION TO
RECONSIDER REQUEST FOR
COMPASSIONATE RELEASE
UNDER 18 U.S.C. § 3582(c)(1)(A)**

On August 13, 2020, this Court denied Defendant Tyrell Lewis's motion for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A). Defendant now moves the Court to reconsider the denial based on the large number of positive COVID-19 tests at Defendant's facility in November and December, the existence of new COVID-19 variants, and Defendant's contracting of COVID-19 in late November.

Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly

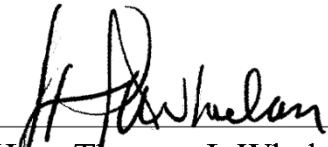
1 unjust, or (3) if there is an intervening change in controlling law.” Sch. Dist. No. 1J,
2 Multnomah Cty., Or. v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

3 As noted in the Court’s August 13, 2020 Order, Defendant’s medical ailments do
4 not constitute an “extraordinary and compelling reason” warranting a reduction in
5 sentence under the United States Sentencing Commission Guidelines. [Doc. 97.] Neither
6 an increased number of positive COVID-19 tests at Defendant’s facility nor the existence
7 of novel variants shift that analysis. The potential to contract COVID-19, which
8 threatens every non-immune person in the country, is not an “extraordinary and
9 compelling reason” under 18 U.S.C. § 3582(c). This is especially true for a person, such
10 as Defendant, who has already contracted COVID-19 and now possesses a temporary
11 immunity at least and a permanent immunity at best.

12 Defendant’s motion for reconsideration is **DENIED**.

13 **IT IS SO ORDERED.**

14 Dated: March 22, 2021

15
16 
17 Hon. Thomas J. Whelan
18 United States District Judge
19
20
21
22
23
24
25